

FILED

JUL 20 2011

Clerk, U.S. District and
Bankruptcy Courts

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID WILLIAMS III,
Attn: Register No. 24383-018
Post Office Box 1033
Coleman, Florida 33521,

Plaintiff,

-vs-

Case: 1:11-cv-01311
Assigned To : Collyer, Rosemary M
Assign. Date : 7/20/2011
Description: FOIA/Privacy Act

Description: FOIA/Privacy Act

DRUG ENFORCEMENT ADMINISTRATION,
Freedom of Information Operations Unit (SARF)
700 Army Navy Drive
Arlington, Virginia 22202,

Defendant.

COMPLAINT

Plaintiff, David Williams III, brings this action against defendant, Drug Enforcement Administration, Freedom of Information Operations Unit (SARF), to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). As grounds thereof, plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

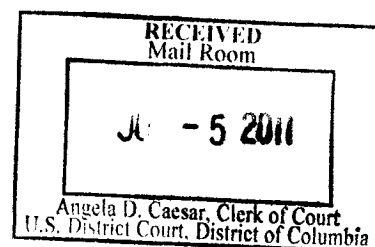
PARTIES

3. Plaintiff is a citizen of the State of Florida, currently incarcerated at FCC Coleman USP-1, located within Coleman, Florida, and his mailing address is: Attn: Register No. 24383-018, Post Office Box 1033, Coleman, Fla. 33521.

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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia



4. Defendant is an agency of the United States Government and its place of business is at 700 Army Navy Drive, Arlington, Virginia 22202, and is headquartered at U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001. Defendant has possession, custody, and control of records to which plaintiff seeks access.

STATEMENT OF FACTS

5. On September 30, 2010, plaintiff sent a FOIA request to the Freedom of Information Operations Unit (SARF) for the Drug Enforcement Administration, seeking access to the following:

- a) The Oath of Office for Jerald Lucas, d.b.a. DEA Special Agent, for the U.S. Department of Justice, Drug Enforcement Administration's Lake Mary/Heathrow office in Florida; and
- b) The Oath of Office for Willie Hawkins, d.b.a. DEA Special Agent for the U.S. Department of Justice, Drug Enforcement Administration's Lake Mary/Heathrow office in Florida.

See Appendix-A, herewith.

6. By letter dated October 6, 2010, defendant acknowledged receipt of plaintiff's FOIA request. Defendant also stated in its October 6, 2010 letter that plaintiff's request will be handled in chronological order based on the date of its letter. See Appendix-B, herewith.

7. On April 13, 2011, plaintiff sent a FOIA status request via certified mail to defendant, seeking the status of his initial FOIA request. See Appendix-C, herewith.

8. As of the date of this complaint, defendant has failed to produce any records responsive to plaintiff's FOIA request or demonstrate that responsive records are exempt from production. Nor has it indicated whether or when any responsive records will be produced. In fact, defendant has failed to respond to the request in any substantive manner.

9. Because defendant has failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A), plaintiff is deemed to have exhausted any and all administrative remedies with respect to his FOIA request. See 5 U.S.C. § 552(a)(6)(C).

COUNT ONE
(Violation of FOIA, 5 U.S.C. § 552)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant is unlawfully withholding records requested by plaintiff pursuant to 5 U.S.C. § 552.

12. Plaintiff is being irreparably harmed by reason of defendant's unlawful withholding of requested records, and plaintiff will continue to be irreparably harmed unless defendant is compelled to conform its conduct to the requirements of the law.

WHEREFORE, plaintiff respectfully requests that the Court: (1) order defendant to conduct a search for any and all responsive records to plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to plaintiff's FOIA request; (2) order defendant to produce, by a date certain, any and all non-exempt records responsive to plaintiff's FOIA request and a Vaughn index of any responsive records withheld under claim of exemption; (3) enjoin defendant from continuing to withhold any and all non-exempt records responsive to plaintiff's FOIA request; (4) grant plaintiff an award of fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant plaintiff such other relief as the Court deems just and proper.

Dated: JUNE 27th, 2011

Respectfully submitted,

By: David Williams III
David Williams III, plaintiff
Attn: Register No. 24383-018
Post Office Box 1033
Coleman, Florida 33521-1033

INDEX OF ATTACHED APPENDICIES

Description	Appendix
Plaintiff's FOIA request to the Freedom of Information Operations Unit (SARF), dated September 30, 2010 -----	(A)
Defendant's acknowledgment of receipt of plaintiff's FOIA request, dated October 6, 2010 -----	(B)
Plaintiff's FOIA status request letter, dated April 12, 2011, and copy of U.S. Postal Service Certified Mail Receipt, dated April 13, 2011 -----	(C)

David Williams III
Attn : Register No. 24383-018
c/o Post Office Box 1033
Coleman, Florida state
Non-Domestic
[Postal Zone: 33521]

September 30, 2010

To: Freedom of Information Operations Unit (SARO)
Drug Enforcement Administration
U.S. Department of Justice
700 Army Navy Drive
Arlington, VA 22202
via certified mail #7009 1410 0000 9711 9104

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

AUTHORITY: Title 5 United States Code Section 552 et seq.
as applicable

Dear FOIA Officer;

Under the Freedom of Information Act, 5 U.S.C. Section 552 et seq., I am requesting copies of the "**oath of office**" for the following U.S. government officials within the U.S. Department of Justice, Drug Enforcement Administration, to wit:

- Oath of Office for Jerald Lucas, d.b.a. DEA Special Agent, for the U.S. Department of Justice, Drug Enforcement Administration's Lake Mary/Heathrow office in Florida; and
- Oath of Office for Willie Hawkins, d.b.a. DEA Special Agent, for the U.S. Department of Justice, Drug Enforcement Administration's Lake Mary/Heathrow office in Florida.

If there are any fees for searching for or copying the above requested documents, please supply the documents without informing me of the cost if the fees do not exceed \$15.00, which I agree to settle.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Respectfully submitted,

By: David Williams III
David Williams III, requester

Appendix - A

**OCT 06 2010**

Case Number: 11-00005-F

Subject: COPIES OF THE "OATH OF OFFICE" FOR THE JERALD LUCAS AND WILLIE HAWKINS, DEA SPECIAL AGENTS, FOR THE U.S. DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION'S LAKE MARY/HEATHROW OFFICE IN FLORIDA

David Williams III
Reg. No. 24383-018
USP Coleman I
P.O. Box 1033
Coleman, FL 33521

Dear Mr. Williams:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated September 30, 2010, received by the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to DEA records. Your request has been opened and assigned the above case number. Please include this case number when corresponding with this office.

This letter confirms your obligation that by filing your request, you have agreed to pay all applicable fees charged under 28 C.F.R. § 16.11, up to \$15.00. No fees are due at this time.

In order to expedite all requests, your request will be handled in chronological order based on the date of this letter. If you have any questions regarding this letter, you may contact our Customer Service Hotline Representative on (202) 307-7596 or mail your correspondence to:

DEA HEADQUARTERS
ATTN: FOI/PA UNIT (SARF)
8701 MORRISSETTE DRIVE
SPRINGFIELD, VIRGINIA 22152

Sincerely,

Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section

Appendix - B

David Williams III
Attn: Register No. 24383-018
c/o Post Office Box 1033
Coleman, Florida 33521 - 1033

Date: Tuesday, April 12, 2011 @ 10:37 a.m.

To: DEA Headquarters
Attn: FOI/PA Unit (SARF)
8701 Morrisette Drive
Springfield, Virginia 22152

Subject: FOIA Status Request

Re: Case Number 11-00005-F

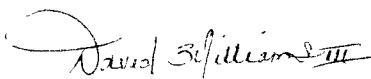
Dear Ms./Mrs. Myrick:

I am inquiring to know the status of my Freedom of Information/Privacy Act (FOI/PA) request dated September 30, 2010. I received a response letter from the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), acknowledging receipt of the above mentioned request dated October 6, 2010. See DEA FOI/PA Unit acknowledgment letter attached.

As of the date of this status request, I still have not received the copies of the documents I requested in my September 30, 2010 FOI/PA request.

Please advise as to the status of my Freedom of Information/Privacy Act (FOI/PA) request at your most earliest convenience. Thank you for your service.

Cordially,



David Williams III, requester

7010 1870 0001 8546 1249

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com ®	
Postage	\$ 0.44
Certified Fee	\$ 2.80
Return Receipt Fee (Endorsement Required)	0
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.24

Postmark Here

Sent To	DEA HEADQUARTERS, ATTN: FOI/PA UNIT
Street, Apt. No. or PO Box No.	8701 MORRISSETTE DRIVE
City, State, ZIP+4	SPRINGFIELD, VIRGINIA 22152

PS Form 3800, August 2003 See Reverse for Instructions

Appendix - C